



Docket No. 2685.1009 US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Raymond T. Bartus and Dwaine F. Emerich

Application No.: 10/762,200 Group: 1616

Filed: January 21, 2004 Examiner: Not Assigned

Confirmation No.: 2522

For: PULMONARY DELIVERY IN TREATING DISORDERS OF THE CENTRAL NERVOUS SYSTEM

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>7-16-04</u>	<u>Hollie Wakefield</u>
Date	Signature
Hollie Wakefield	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Missing Parts dated May 26, 2004, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

- ☐ **EXECUTED DECLARATION FOR PATENT APPLICATION**
(Separate transmittal letter and postcard not required)
- ☐ **POWER OF ATTORNEY DOCUMENT**
 - ☐ GRANTED BY INVENTOR(S)
 - ☐ GRANTED BY ASSIGNEE, INCLUDING Statement under 37 C.F.R. 3.73(b)
(Separate transmittal letter and postcard not required)
- ☐ **PRELIMINARY AMENDMENT**
(Separate transmittal letter and postcard not required)
- ☒ **FILING FEE – WITH Fee Transmittal for Patent Applications in duplicate**
Fee calculations based on:
 - ☒ Claims as originally filed
 - ☐ Claims upon entry of the Preliminary Amendment filed herewith
(Separate transmittal letter and postcard not required)

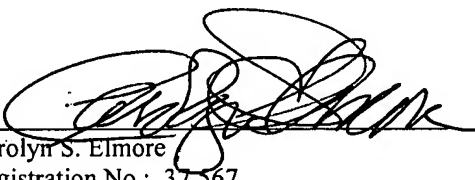
Application No. 10/762,200
Notice to File Missing Parts dated May 26, 2004

- ☒ **SURCHARGE – SURCHARGE FEE OF \$130**
(Separate transmittal letter and postcard not required)
- ☐ **SEQUENCE LISTING – Filed concurrently and is attached**
(Separate transmittal letter and postcard required)
- ☐ **SUBSTITUTE DRAWINGS**
☐ Sheets of substitute drawings consisting of Figs. 1 – [] are enclosed
(Separate transmittal letter and postcard not required)
- ☐ **PETITION FOR EXTENSION OF TIME**
☐ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated [] for [] month(s) from [] to []. The appropriate fee of \$[] is included in the enclosed check.
☐ A [] month extension of time to respond to the Notice to File Missing Parts dated [] was filed on [] with payment of a \$[] fee.
☐ Applicant hereby petitions for an additional [] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[] is included in the enclosed check.
(Separate Petition for Extension of Time and postcard not required)
- ☒ **REQUEST FOR CORRECTED FILING RECEIPT – Filed concurrently and is attached.**
(Separate transmittal letter and postcard required)
- ☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**
☐ Applicant claims small entity status.
☐ Is enclosed herewith (Separate transmittal letter and postcard not required)
☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[] which were paid on [] to be deposited in Deposit Account No.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$900.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 52807. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

ELMORE CRAIG, P.C.

By 
Carolyn S. Elmore
Registration No.: 37,567
Tel.: (978) 251-3509
Fax: (978) 251-3973

N. Chelmsford, Massachusetts 01863

Date: 7/16/04



ELMORE CRAIG, P.C.

FEE TRANSMITTAL FOR PATENT APPLICATIONS		Attorney Docket Number		2685.1009 US3	
		Application Number		10/762,200	
		First Named Inventor		Raymond T. Bartus	
Claim Calculation (includes any preliminary amendment)					
CLAIMS	(1) For	(2) Number Filed	(3) Number Extra	(4) Rate	(5) Calculations
	Total Claims (37 CFR 1.16(c) (j))	16-20* =	0	x \$ 18 =	\$0
	Independent Claims (37 CFR 1.16(b) or (j))	1-3** =	0	x \$ 86 =	\$0
	Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ \$ 290 =	\$0
		Basic Fee (37 CFR 1.16(a) or (h)) =			\$ 770
		Total of above Calculations =			\$770
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$
	TOTAL =				\$770
	Surface – Late Filing of Declaration or filing Fees (37 CFR 1.16(e)) =				\$130
	Petition for Extension of Time Fee (37 CFR 1.17) =				\$
	Assignment Recordation Fee (only when filed with application) =				\$
	Other =				\$
	* Reissue claims in excel of 20 and over original patent **Reissue independent claims over original patent				TOTAL = \$900
<p>1. Small entity status:</p> <p>a. <input type="checkbox"/> A small entity statement is enclosed.</p> <p>b. <input type="checkbox"/> A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.</p> <p>c. <input type="checkbox"/> is no longer claimed.</p> <p>2. <input checked="" type="checkbox"/> A general authorization is hereby granted to charge Deposit Account Number 502807 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.</p> <p>3. <input checked="" type="checkbox"/> A check is enclosed for <u>\$900.00</u>.</p> <p>4. <input type="checkbox"/> Please charge \$ _____ to Deposit Account Number 502807.</p> <p>5. <input type="checkbox"/> Other: _____</p>					
Signature				Date	July 16, 2004
Submitted by Typed or Printed Name		Carolyn S. Elmore		Registration Number	37,567

IFW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/762,200	01/21/2004	Raymond T. Bartus	2685.1009-US3

000038421
 ELMORE CRAIG, P.C.
 209 MAIN STREET
 N. CHELMSFORD, MA 01863



CONFIRMATION NO. 2522

FORMALITIES LETTER



OC000000012779140

Date Mailed: 05/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/20/2004 HLE333 00000084 10762200

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 770.00 OP
 02 FC:1051 130.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice **MUST** be returned with the reply.

B. J. M.
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE